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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,921	11/26/2003	Michael Edwards	BS03212	1176
38516 7590 12/11/2007 SCOTT P. ZIMMERMAN, PLLC PO BOX 3822 CARY, NC 27519			EXAMINER TIEU, BINH KIEN	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/722,921		EDWARDS, MICHAEL	
	<b>Examiner</b>		<b>Art Unit</b>	
	/BINH K. TIEU/		2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9-12 and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Koch (Pub. No.: US 2005/0073999).

***Regarding claim 1***, Koch teaches a communications system comprising:

a communications network for communicating a call ticker communications signal to a destination communications address, the communications network comprising a call ticker data server for storing a call ticker profile of the destination communications address (i.e., Internet caller-ID system 105, as shown in figure 2, comprising telephone switches 112, 116, a service control point (SCP) 114 and an internet caller-ID server 150 with an associated profile database 156, see paragraphs [0038], [0046], [0049] and [0051]);

a call ticker application (i.e., the application logic resides in the application server 150, see paragraph [0071]) communicating with the communications network, the call ticker application generating the call ticker communications signal, the call ticker

communications signal comprising a call ticker message and an identifier of the destination communications address (see paragraphs [0075] and [0076]), and

wherein the call ticker message comprising at least one of text, voice, video, and electronic data (see paragraph [0012]).

Regarding claims 2-3, note paragraphs [0046], [0047] and [0061].

Regarding claim 4, note paragraphs [0038] and [0072].

Regarding claim 5, note paragraphs [0063] and [0066].

Regarding claim 6, note paragraph [0080].

Regarding claims 7 and 9-10, note paragraphs [0084] and [0087].

**Regarding claim 11**, Koch teaches a computer program product, comprising:

a computer-readable medium (paragraph [0037]); and

a Call Ticker Module (i.e., application logic resides in the application server 150, as shown in figure 1B, paragraph [0071]) stored on the computer-readable medium, the Call Ticker Module stored in a memory device, the Call Ticker Module generating a call ticker communications signal and communicating a call ticker message of the call ticker communication signals (see paragraphs [0075] and [0076]).

**Regarding claim 12**, Koch teaches a communications system, as shown in figure 1B, comprising:

a communication network (i.e., communication system 105) transceiving communications signals with a calling party's communications device to generate a call ticker communications signal (i.e., calling party registering with the system 105, see paragraphs [0054]-[0055]), the call ticker communication signal comprising a call ticker message and at least one of (i) an identifier of an originating communications address, (ii)

an identifier of a destination communication address, (iii) an identifier of a receiving party's communication device (paragraphs [0038], [0046], [0049] and [0051]),

wherein the communications network processes at least one of an incoming line identification (ICLID) signal of the calling party's communications device and the call ticker communications signal, and wherein the communications network transmits the call ticker message to the destinations communications address (paragraphs [0061]-[0063]).

***Regarding claim 14***, Koch teaches a communications method comprising:

processing a communications signal from a calling party communications device to a call ticker access address (paragraph [0060]);

associating an incoming line identification (ICLID) signal with the call ticker communications signal (paragraph [0062]);

associating a call ticker profile with the ICLID signal, the call ticker profile comprising at least one of (i) a template for the call ticker message, (ii) an identifier for an originating communications address, (iii) an identifier of the destinations communications address, (iv) an identifier of a receiving party's communications device, (v) a call ticker service feature, and (vi) a call ticker default service feature (paragraph [0061]); and

generating a call ticker signal using at least one of the call ticker profile and of a call ticker instruction transmitted from the calling party communications device (paragraphs [0075] and [0076]).

Regarding claim 15, note paragraphs [0046], [0047] and [0061].

Regarding claims 16-17, note paragraph [0080].

***Regarding claim 18***, Koch teaches a communication network, comprising:

receiving a communications signal from a calling party communications device to a communications network (paragraph [0062]); and

using the communication signal to generate a call ticker signal, the call ticker signal comprising a call ticker message and at least one of (i) an identifier of a calling party, (ii) an identifier of the originating communication address, and (iii) an identifier of a destination communications address (see paragraphs [0075] and [0076]),

wherein the communications network comprises at least one of a public switched telephone network and a mobile switching telephone communications network (paragraphs [0038] and [0072]).

Regarding claim 19, note paragraph [0080].

Regarding claim 20, note paragraphs [0075] and [0086].

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Koch (Pub. No.: US 2005/0073999) in view of Crockett et al (Pub. No.: US 2004/0161083).

Regarding claim 8, Koch teaches all subject matters as claimed above, except for the features of an audio call ticker application operable to configure a text format of the call ticker message to an audio format of the call ticker message. However, Crockett et al. ("Crockett") teaches such features in paragraph [0105] for a purpose of remotely notify the recipient for an incoming call.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of an audio call ticker application operable to configure a text format of the call ticker message to an audio format of the call ticker message, as taught by Crockett, into view of Koch in order to remotely and audibly alert the recipient of an incoming call.

Regarding claim 13, Crockett further teaches limitations of the claim in paragraph [0096]-[0097].

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

10/722,921

Art Unit: 2614

Any response to this action should be mailed to:

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Or faxed to:

(571) 273-8300

Hand Carry Deliveries to:

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the FAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/BINH K. TIEU/**

Primary Examiner

Technology Division 2614

Date: December 2007